

CAUSE NO. 2012-10404-16

EMPLOYERS MUTUAL CASUALTY	§	IN THE DISCTRICT COURT
COMPANY	§	
Plaintiff,	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
DISCOVER PROPERTY & CASUALTY	§	
INSURANCE COMPANY	§	
Defendant.	§	16 <sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DISCOVER PROPERTY & CASUALTY INSURANCE COMPANY**, Defendant herein, and makes the following Original Answer, and in support thereof, would show the Court as follows:

**I.**

1. Pursuant to Rule 92, Defendant denies the allegations contained in Plaintiff's Original Petition and any amended or supplemental pleadings, thus asserting the privilege of having such allegations proved by a preponderance of the evidence. Defendant reserves the right to amend this answer as is necessary.

2. Defendant herein contends and pleads that the actions or inactions made the basis of this lawsuit were brought about by and caused by the negligence, conduct and/or carelessness on the part of third-parties over whom Defendant had no control or any right of control. Further, any finding of liability against Defendant should be reduced under comparable theories as set forth in Chapter 32 and 33 of the Texas Civil Practice & Remedies code for the proportionate responsibility placed on other parties and designees.

WHEREFORE, PREMISES CONSIDERED, Defendant, **DISCOVER PROPERTY & CASUALTY INSURANCE COMPANY**, prays that Plaintiff take nothing by reason of this suit and that Defendant recover its costs and such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

**LITCHFIELD CAYO, LLP**

BY 

TORY F. TAYLOR  
SBN: 24008131

3040 Post Oak Blvd., Suite 1750  
Houston, Texas 77056  
(713) 418-2000  
(713) 418-2001 – FAX

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing instrument to be served upon opposing counsel of record herein, via hand delivery, facsimile, regular mail and/or certified mail/return receipt requested, on this 25<sup>th</sup> day of June, 2012.

  
TORY F. TAYLOR